HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 891 OF 2005.
IN
CRIMINAL APPEAL NO. 134 OF 2005.

Vishnu Yashwant Talekar. ..Applicant.

Versus.

The State of Maharashtra. ..Respondent.

Mr. Rajendra S. Desai for the applicant.

APP for the respondent - State.

CORAM: V.M.KANADE,J.

DATE: FEBRUARY 21, 2005.

P.C.

1. Heard learned counsel for the applicant and learned APP for the respondent-State. The applicant is convicted by the trial court for having committed an offence punishable under sections 307 and 452 of the Indian Penal Code. The prosecution case is that the applicant, at the instigation of the accused no.2, went to the house of the complainant at night and tried to strangulate him with the rope. The applicant thereafter ran away from the scene of offence. The FIR was lodged on the next date. The trial court on the basis of recovery of slipper and recovery of shirt convicted the present applicant. The trial court disbelieved the confessional statement which

has been recorded by the head constable who was examined by the prosecution. C.A. report has not been filed by the prosecution. Admittedly, there was a dispute pending between the complainant and the accused no.2 in the civil court. The complainant had not seen the applicant when the offence was committed as it was pitch dark in the house and there was no electricity bulb. In view of these circumstances, this is a fit case for grant of bail. In the circumstances, the applicant be released on bail in the sum of Rs.5,000/-. The application is accordingly disposed of.

(V.M.KANADE, J.)

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